

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA

FILED

March 03, 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LAURA A. AUSTIN, CLERK
BY: s/J .Vasquez
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JACOB GUBIN,
Petitioner,
v.
STATE OF WISCONSIN JUDICIAL
COMMISSION,
Respondent.

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Case No. 7:25-cv-00115
By: Michael F. Urbanski
Senior United States District Judge

MEMORANDUM OPINION

Jacob Gubin, an inmate proceeding pro se, commenced this action by filing a petition for a writ of mandamus against the Wisconsin Judicial Commission. Gubin seeks to compel the state agency to provide access to certain files. For the following reasons, the petition is **DENIED**.

Federal district courts have jurisdiction in “any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1331. “Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances.” In re Matousek, 857 F. App’x 146, 146 (4th Cir. 2021). A party seeking a writ of mandamus must show that “his right to the issuance of the writ is clear and indisputable” and that he “has no other adequate means to attain the relief he desires.” Media Gen. Operations, Inc. v. Buchanan, 417 F.3d 424, 433 (4th Cir. 2005).

Gubin is unable to show that he has a clear and indisputable right to the requested mandamus relief. It is well settled that federal courts do not have jurisdiction to grant mandamus relief against state officials or agencies. Gurley v. Superior Ct. of Mecklenburg

Cnty., 411 F.2d 586, 587 (4th Cir. 1969); see also Amisub (PSL), Inc. v. Colo. Dep't of Soc. Servs., 879 F.2d 789 (10th Cir. 1989) (“No relief against state officials or state agencies is afforded by § 1361.”). Consequently, the relief sought by Gubin is “not available by way of mandamus.” In re Matousek, 857 F. App’x at 146.

For these reasons, Gubin’s petition for a writ of mandamus is **DENIED**. An appropriate order will be entered.

Entered: March 3, 2025


Michael F. Urbanski
U.S. District Judge
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Senior United States District Judge